

Heidi W. Abbott, Chair  
Tamara Neo, Vice-Chair  
Karen Cooper-Collins, Secretary  
Anthony W. Bailey  
William C. Boshier, Jr.  
David R. Hines  
Helivi L. Holland  
Robyn Diehl McDougale  
Kenneth W. Stolle



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COMMONWEALTH of VIRGINIA  
*Board of Juvenile Justice*

**DRAFT MEETING MINUTES**

**January 7, 2014**

**Department of Juvenile Justice  
Central Office – 12<sup>th</sup> Floor Conference Room South  
600 East Main Street  
Richmond, Virginia 23219**

**Board Members Present:** Heidi Abbott, Anthony Bailey, Bill Boshier, Karen Cooper-Collins, David Hines, Helivi Holland, Robyn Diehl McDougale, Tamara Neo

**DJJ Staff Present:** Mark Gooch, Lionel Jackson, Daryl Francis, Ralph Thomas, Deron Phipps, Janet Van Cuyk, Barbara Peterson-Wilson, Angela Valentine, Marc Booker, Jack Ledden, Greg Davy, Ken Bailey, Mark Murphy, Lara Jacobs, Robert Foster, Wendy Hoffman

**Guests Present:** Tonia Winn, Joe Young, Rodney Baskerville, Jack Scott, Jeree Thomas

**CALL TO ORDER**

Chairperson Heidi Abbott called the meeting to order at 9:44 a.m.

**INTRODUCTIONS**

Chairperson Abbott welcomed all that were present and asked for introductions.

**APPROVAL of November 13, 2013, MINUTES**

The minutes of the November 13, 2013, Board meeting were presented for approval. On MOTION duly made by Robyn Diehl McDougale and seconded by Anthony Bailey to approve the minutes as presented. Motion carried.

**PUBLIC COMMENT PERIOD**

There were no public comments.

**CERTIFICATION ACTIONS**

The Board was provided a summary of the certification actions taken by the Director on November 15, 2013. Mr. Ken Bailey noted that follow up visits were completed to facilities whose audits showed deficiencies and those facilities were in total compliance with all regulations.

The Chair reminded the Board of the new practice by the Department of Juvenile Justice (the Department) concerning the certification unit audit reports. The Board will be provided a summary of the Director's certification actions. The Board will have the opportunity to review and ask questions as appropriate; however, the Department will not report out on each certification audit during the Board meetings as was done in the past.

## **OTHER BUSINESS**

### **Detention Assessment Instrument**

Robert Foster, the Regional Program Manager for the Western Region of the Department provided the Board with an overview of the Detention Assessment Instrument (Assessment). Mr. Foster's presentation is attached. After Mr. Foster's presentation, the Board had a lengthy discussion with no action taken.

### **Regulatory Update**

Barbara Peterson-Wilson reported to the Board that their Board orientation binders were out-of-date due to the three residential regulations that went into effect the beginning of the year. Ms. Peterson-Wilson told the Board that updates will be either mailed to them or provided to them at the next Board meeting.

### **Request for Variance from 6VAC35-71-350(B) and 6VAC35-101-420(B)**

Mr. Ken Bailey reported that during the drafting of the new regulations a key element was deleted from the previous regulation of the Standards for Interim Regulation of Children's Residential Facilities, "There shall be one toilet, one hand basin, and one shower or tub for every four residents in any building constructed or structurally modified after July 1, 1981, except secure custody facilities. Facilities licensed after December 28, 2007, shall comply with the one-to-four ratio." The previous regulations granted secure custody facilities built prior to December 28, 2007, an exception to the one-to-four ratio. The new regulations governing juvenile correctional centers and secure detention centers became effective January 1, 2014. Secure custody facilities constructed prior to December 28, 2007, conformed to the one-to-eight shower ratio. It would be cost prohibitive for facilities to meet the requirements set forth in the new regulations. The Department would request the Board grant a variance so that the Department's facilities could remain in compliance for the one-to-four shower ratio.

The Board of Juvenile Justice approves a variance from 6VAC35-71-350(B) and 6VAC35-101-420(B) for all secure custody facilities (juvenile secure detention centers and juvenile correctional centers). On MOTION duly made by Tamara Neo and seconded by Anthony Bailey to approve the variance request. Motion carried.

Director Gooch asked the Board to amend the motion with a timeframe included.

The MOTION was amended to include, "until such time as the regulation is amended." On MOTION duly made by Anthony Bailey and seconded by Robyn Diehl McDougale to approve the amendment. Motion carried.

### **Request Authorization for Submission of Two Fast Track Regulatory Actions**

Ms. Peterson-Wilson detailed the fast track process to the Board. Pursuant to the *Code of Virginia*, the Board has the authority to promulgate regulations and use a fast track regulatory process for rule making that is expected to be noncontroversial. Initiation of the Fast Track Proposed Regulation will permit the Board to make a corrective amendment to the regulatory sections addressing the requirements for toilet facilities (showers) within the Regulation Governing Juvenile Correctional Centers, 6VAC35-71 and the Regulation Governing Juvenile Secure Detention Centers, 6VAC35-101.

Dr. Boshier asked if there was a Notice of Intended Regulatory Action (NOIRA). Ms. Peterson-Wilson replied that the Fast Track Regulatory process replaces the NOIRA. However, there is still a onetime 30-day public comment period during this process.

The Board of Juvenile Justice authorizes the Department of Juvenile Justice to submit a Fast Track Proposed Regulation for the following regulatory requirements: 6VAC35-71-350, Regulations Governing Juvenile Correctional Centers and 6VAC35-101-420, Regulations Governing Juvenile Secure Detention Centers. On MOTION duly made by Dr. Karen Cooper-Collins and seconded by Robyn Diehl McDougale to authorize the submission. Motion carried.

### **Request for Variance from the New River Valley Juvenile Detention Home**

Mr. Ken Bailey introduced the next variance request from the New River Valley Juvenile Detention Home (New River Valley) which is one of the oldest and smallest detention homes in the Commonwealth. New River Valley is in need of renovations to bring the facility up to standard including a control center. In April 2010, the Board granted a variance to not staffing the control room at New River Valley 24 hours a day, 7 days a week. That variance was effective until January 2015, but with the change in the regulation the variance granted was a standard that no longer existed. New River Valley requests a variance based on the new regulations.

Mr. Joe Young, Superintendent of New River Valley, addressed the Board regarding the variance to standard 6VAC35-101-520 which requires the facility to have a control center manned 24 hours a day, 7 days a week. Mr. Young provided the Board with background on the building and detailed the security arrangements at the facility. Mr. Young's handout is attached.

The Board of Juvenile Justice approves a variance from 6VAC35-101-520 for New River Valley Juvenile Detention Home, to maintain the internal security, a control center that is secured from residents' access shall be staffed 24 hours a day and shall integrate all external and internal security functions and communication networks through 2019. On MOTION duly made by Helivi Holland and seconded by Anthony Bailey to approve. Motion carried.

### **Director's Report**

Director Mark Gooch updated the Board on the Governor's budget package that was presented to the General Assembly money committee in December. Included in the budget package were the closures of the Department's Halfway Houses and the Culpeper Juvenile Correctional Center. The Halfway Houses currently have no occupants; most of the residents were at the end of their sentences and released. The residents located at Culpeper will either be transferred to Beaumont or Bon Air, released based on the end of their sentence or moved

to the Department of Corrections if their sentence dictates. The money being saved from these closures will be reprogrammed for community placement programs for front end services focusing on mental health and diversion programs. The residents will continue to receive educational services. The Director noted that the Department is not closing; however, its population numbers are declining.

The Halfway Houses will be official closed by February 24 if not before. A plan is in place for the Culpeper facility to be transferred to the Department of Corrections to house their female population. The goal is to close and turn over the facility to the Department of Corrections by June 24, 2014. The Director stressed that the Culpeper personnel have an opportunity to transfer their employment to the Department of Corrections if they choose. The Virginia Department of Human Resource Management has waived its usual hiring process that will allow this transfer to occur. There should not be a break in service; personnel will come off the Department's payroll on June 24 and be placed on the Department of Corrections' payroll on June 25.

The process of closing these facilities and redistributing the funding has created a \$1 million shortfall for the Department due to issues with the Department of Planning and Budget. The Department is negotiating with the Department of Planning and Budget to correct the problem. If it is not corrected, this would cause difficulties for the Department's fiscal management. The Director told the Board he will keep them updated on this situation.

Ms. Neo asked how many facilities the Department has closed that did not subsequently reopen. The Director responded that the Natural Bridge and Barrett facilities have closed and have not been repurposed. Last year, Hanover was closed and it was repurposed as the Commonwealth of Virginia Public Safety Training Center. Culpeper Juvenile Correctional Center and the Halfway Houses will be closed in 2014. The Director does not foresee any additional closures in the near future.

**NEXT MEETING:**

The next meeting of the Board of Juvenile Justice is April 9, 2014, at the Virginia Public Safety Training Center.

**ADJOURNMENT:**

The Chair adjourned the meeting at 11:11 a.m.



# Department of Juvenile Justice Detention Assessment Instrument

History, Creation, Implementation, Public Safety Validation, Impact and Case  
Example

**Robert W. Foster**  
**Regional Program Manager**  
**January 7, 2014**



## Department of Juvenile Justice Detention Assessment Instrument History

- § 16.1-248.1. Criteria for detention or shelter care.
- A. A juvenile taken into custody whose case is considered by a judge, intake officer or magistrate pursuant to § [16.1-247](#) shall immediately be released, upon the ascertainment of the necessary facts, to the care, custody and control of such juvenile's parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such juvenile, either on bail or recognizance pursuant to Chapter 9 (§ [19.2-119](#) et seq.) of Title 19.2 or under such conditions as may be imposed or otherwise. However, at any time prior to an order of final disposition, a juvenile may be detained in a secure facility, pursuant to a detention order or warrant, only upon a finding by the judge, intake officer, or magistrate, that there is probable cause to believe that the juvenile committed the act alleged, and that at least one of the following conditions is met:
  - 1. The juvenile is alleged to have (a) violated the terms of his probation or parole when the charge for which he was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult; (b) committed an act that would be a felony or Class 1 misdemeanor if committed by an adult; or (c) violated any of the provisions of § [18.2-308.7](#), and there is clear and convincing evidence that:
    - a. Considering the seriousness of the current offense or offenses and other pending charges, the seriousness of prior adjudicated offenses, the legal status of the juvenile and any aggravating and mitigating circumstances, the liberty of the juvenile, constitutes a clear and substantial threat to the person or property of others;
    - b. The liberty of the juvenile would present a clear and substantial threat of serious harm to such juvenile's life or health; or





## Department of Juvenile Justice Detention Assessment Instrument History

- c. The juvenile has threatened to abscond from the court's jurisdiction during the pendency of the instant proceedings or has a record of willful failure to appear at a court hearing within the immediately preceding 12 months.
- 2. The juvenile has absconded from a detention home or facility where he has been directed to remain by the lawful order of a judge or intake officer.
- 3. The juvenile is a fugitive from a jurisdiction outside the Commonwealth and subject to a verified petition or warrant, in which case such juvenile may be detained for a period not to exceed that provided for in § [16.1-323](#) while arrangements are made to return the juvenile to the lawful custody of a parent, guardian or other authority in another state.
- 4. The juvenile has failed to appear in court after having been duly served with a summons in any case in which it is alleged that the juvenile has committed a delinquent act or that the child is in need of services or is in need of supervision; however, a child alleged to be in need of services or in need of supervision may be detained for good cause pursuant to this subsection only until the next day upon which the court sits within the county or city in which the charge against the child is pending, and under no circumstances longer than 72 hours from the time he was taken into custody. If the 72-hour period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 72 hours shall be extended to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed.
- 5. The juvenile failed to adhere to the conditions imposed upon him by the court, intake officer or magistrate following his release upon a Class 1 misdemeanor charge or a felony charge.



## Department of Juvenile Justice Detention Assessment Instrument History



### ■ Chapter 978 of the 2000 Acts of Assembly

“The Department of Juvenile Justice shall establish a uniform risk assessment instrument for use when making a detention decision pursuant to § 16.1-248.1 and when making recommendations to the court at a detention hearing pursuant to § 16.1- 250. The uniform risk assessment instrument and related procedure shall be implemented by each court service unit and distributed to each juvenile court judge no later than October 1, 2002.”





## Department of Juvenile Justice Detention Assessment Instrument History

**DAI is a structured decision making tool for detention decision made by DJJ intake officers that will address:**

- Overcrowding and its negative impact on each facility
- Inequitable treatment of youth
- Inappropriate uses of detention
- Transparency and consistency in detention decisions
- A neutral or positive effect on public safety outcomes (Pre-trial re-arrest or FTA)



## Department of Juvenile Justice Detention Assessment Instrument Creation

DJJ contracted with National Council on Crime and Delinquency in Spring of 2001

Inter-agency Task Force (included judiciary, Supreme Court, Sheriff's Association, Commonwealth's Attorney's Service Council, Court Service Unit staff)

Consensus approach

Extensive field tests were conducted involving 514 cases

DAI contain seven (7) weighted assessment items most relevant to public safety and detention decisions



## Department of Juvenile Justice Detention Assessment Instrument Creation

### 7 items

- Current charges (**2 items and total point value of 21**)
- Prior adjudications (**1 item and total point value of 6**)
- Pending charges (**1 item and total point value of 8**)
- Probation/parole status (**1 item and total point value of 4**)
- History of Failure to Appear (**1 item and total point value of 3**)
- History of Escape/Runaway (**1 item and total point value 4**)

Designate a decision based on range of the scores

Release to parent/guardian	0-9
Detention Alternative	10-14
Detain	15 or more

**\*Allowance for mandatory and discretionary overrides**



## Department of Juvenile Justice Detention Assessment Instrument Creation

### **Mandatory Overrides (must detain)**

- Use of firearm in current offense
- Escapee from a secure placement
- Local court policy (ex: *Bomb Threats*)

### **Discretionary Overrides by Intake**

- Aggravating factors
- Mitigating factors
- Local policy for probation/parole violations  
(ex: whereabouts unknown)



## Department of Juvenile Justice Detention Assessment Instrument Creation



### Common Aggravating Factors

- History of 2 or more violent/assaultive offenses
- Parent unwilling or unable to provide appropriate supervision
- Juvenile has significant mental health or substance abuse problems
- Juvenile does not regularly attend school/work
- Juvenile has violated conditions of detention alternative or been charged with a new detainable offense while in a detention alternative
- Juvenile is an explicit threat to flee if released
- Juvenile is currently an absconder from a non-secure placement
- Other Aggravating factor
- Detention alternative not available

### Common Mitigating Factors

- Juvenile marginally involved in the offense
- Parent able/willing to provide appropriate supervision
- Juvenile has significant mental health problem/mental retardation
- Juvenile has significant substance abuse problem
- Juvenile regularly attends school/work
- Offense less serious than indicated by charge
- Juvenile has no/minor prior record





## Department of Juvenile Justice Detention Assessment Instrument Implementation

The DAI was implemented on December 1, 2002 in the 32 State operated Court Service Units and 3 locally operated Court Service Units.

- Required to be completed by intake officers in making decisions for pre-dispositional detention.
- By CSU staff when asked for a recommendation at a detention hearing.

Each Court Service Unit director is required to monitor the usage and percentage of overrides that occur in each performance year.





## Department of Juvenile Justice Detention Assessment Instrument Public Safety Validation

In 2006 a validation study was completed on the DAI used by the Department of Juvenile Justice. The validation process is sometimes referred to as a “public safety” test of the particular instrument because it focused on two specific outcomes:

- 1) Did the juvenile commit a new offense while on release status during the period of risk?
- 2) Did the juvenile fail to appear (FTA) in court while on release status during the period of risk?



## Department of Juvenile Justice Detention Assessment Instrument Public Safety Validation



The first of these outcomes (new offense) was defined as the juveniles having a new intake for a delinquent (felony or misdemeanor) offense within 30 days following the “reference” intake which resulted in a detention decision being made following completion of the DAI.

The second of these outcomes (FTA) was defined as the juveniles being charged with a failure to appear offense within 30 days following the “reference” intake which resulted in a detention decision being made following completion of the DAI.



## Department of Juvenile Justice Detention Assessment Instrument Public Safety Validation

### Results

#### New Offense Rates

- The overall new offense rate for the sample was **7.1%**

#### Failure to Appear Rates

- The overall failure to appear rate for the sample was **1.7%**

According to the Ann E. Casey Foundation, “When a juvenile detention validation study yields a failure rate for either re-offense or FTA that is less than **10%** of the release cohort, the risk assessment instrument should be given a passing grade for meeting the public safety and court appearance objectives.”

In regards to both areas, the DAI can be used with confidence in all cases.

Reiner, Miller, & Gangal. (2007). Public Safety Outcomes of Virginia's Detention Assessment Instrument. *Juvenile and Family Court Journal*, 58,31-41.



## Department of Juvenile Justice Detention Assessment Instrument Impact

- Seriousness of the current offense is the most heavily weighted item on the DAL and will drive the juveniles overall score.
- Inconsistent access to Detention Alternatives can impact actual detention decisions.
- DAL training is performed by each Court Service Unit rather than by a universal source.
- Judges place different values on the DAL score at detention hearings.
- Law enforcement are aware of the use of this instrument and are more accepting of it as the driving force in detention decisions.



# Department of Juvenile Justice Detention Assessment Instrument Case Example

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Juvenile Name: \_\_\_\_\_ DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Juvenile #: \_\_\_\_\_ CNU #: \_\_\_\_\_  
 Intake Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 1 Year: \_\_\_\_\_  
☐ AM ☐ PM Worker Name: \_\_\_\_\_  
 Completed as Part of Detention Decision: ☐ Completed as Inform-1 in (On-Call Intake): ☐

1. Most Serious Alleged Offense (see reverse for examples of offenses in each category)

Category II: Fishery weapons or fishery narcotics interdiction

Category C: Other resources	5
Category D: Class 1 maintenance against projects	5

### Category F: Volumes of production parcels

## 2. Additional Charges in this Referral

One additional current felony offense

(One or more status offenses OR Not additional current offenses)

### 3.3. Prior Adjudications of Guilt (includes continued adjudications with "evidence sufficient to finding of guilt")

One prior adjudication of guilt for a felony offense

1. What are the purposes of jail for probation parole violators?

Only use these tags: `<math>`, `<br>`, `<del>`, `<sup><sub><strong>`, `<em>`, `<code>`, `<chem>`

4. Petitions (pending, adjudicated or disposition) (excluding clerical adjustments) (one or more pending petitions, dispositions for a felony offense)

one, perhaps persons, in other offices  
and of more persons, appointments for other offices

॥ श्रीगणेशाय नमः ॥

**Parole**

**Probation based on other offenses OR CJM'Sup OR Deferred disposition with conditions**

1. The first part of the document is a list of references. The references are listed in a standard format, with the author's name, the title of the work, and the publisher. The references are as follows:

- 1. J. H. Van der Pijl, *Handboek der natuurkunde*, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 257

#### 6. History of Failure to Appear (within past 12 months)

One potential weakness/directions for FTA in panel 12 months

of the points on a vertical line  $z = B$  does there exist a horizontal line  $z = A$  such that

Case of escapees from secure confinement or custody	
1	1

[illegible]

**7000**

$$\|f\|_{L^{\infty}(\Omega)} = \max_{x \in \Omega} |f(x)|$$
☐ Use of force in custody of persons[illegible]

☐ 1 Aggravating factors (outside to move restrictive placement than indicated by guidelines)

Interpretation of the above results is complicated by the presence of confounding factors. For example, the above results may be due to the fact that the study was conducted in a specific population, and the results may not be generalizable to other populations. Additionally, the study was a cross-sectional study, and therefore, it is difficult to establish a causal relationship between the variables. Finally, the study was limited by the use of self-reported data, which may be subject to recall bias.

Actual Decision / Recommendation:	Release	Alternative	Security Detail

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1990-1991

### Defense Counsel and Included Officers

Category A: Felonies Against Persons	Category C: Other Felonies
<p>Abduction</p> <p>Aggravated assault</p> <p>Aggravated sexual battery</p> <p>Arson of an occupied dwelling</p> <p>Assault, law enforcement officer</p> <p>Carjacking</p> <p>Escape from scene juvenile delinquent by force/violence</p> <p>Extortion</p> <p>False alibi</p> <p>Larceny - \$5 from a person</p> <p>Malicious wounding</p> <p>Murder</p> <p>Manslaughter</p> <p>Intentional object sexual penetration</p> <p>Rape</p> <p>Reckless driving, disregard police with bodily injury</p> <p>Robbery</p>	<p>Arson of an unoccupied dwelling</p> <p>Auto theft</p> <p>Burglary/breaking and entering</p> <p>Possess burglary tools</p> <p>Escape from a correctional facility (first detention)</p> <p>Failure to appear in court for a felony</p> <p>Fraud (bad checks, credit card) &gt; \$200</p> <p>Grand larceny-larceny - &gt; \$200</p> <p>Forgery of a firearm</p> <p>Receive a stolen firearm</p> <p>Possess a stolen firearm</p> <p>Receives stolen goods - \$200</p> <p>Shoptlifting &gt; \$200</p> <p>Unauthorized use of an automobile</p> <p>Vandalism &gt; \$1000 damage</p>
<p>Category B: Felony Weapons &amp; Firearms Narcotics Distribution</p> <p>Distribute Schedule I or II</p> <p>Distribute Schedule II, III, IV or marijuana on school property</p> <p>Possess Schedule I or II with intent to sell</p> <p>Sell Schedule I or II or 1 oz. Marijuana to a minor, 3 years prison</p> <p>Brandish-point a firearm on school property or within 1000 ft</p> <p>Discharge firearm from motor vehicle</p> <p>Discharge firearm in an occupied building</p> <p>Possess a sawed-off shotgun</p>	<p>Category D: Misdemeanors Against Persons</p> <p>Assault, simple</p> <p>Sexual battery</p> <p>Category E: Other Misdemeanors</p> <p>Brandish-point a firearm</p> <p>Carry concealed weapon</p> <p>Disobey a constable</p> <p>Escape from scene juvenile delinquent</p> <p>Fraudulent receipt</p> <p>Fraud bad checks/credit card - \$200</p> <p>Failure to appear for a misdemeanor</p> <p>Larceny - &lt; \$200</p> <p>Receive stolen goods - \$200</p>
<p>Category A: Aggravating / Mitigating Factors (Known at the time of offense)</p> <p>History of 2+ violent offenses</p> <p>Parent unwilling to provide appropriate supervision</p> <p>Parent unable to provide appropriate supervision</p> <p>Un-entitled to a new (debatable) offense while in a delinquent alternative</p> <p>Un-entitled to an explicit threat to flee if released</p> <p>Un-entitled to an alternative placement</p> <p>Other Aggravating factor</p> <p>Detention alternative not available</p>	<p>Category B: Aggravating / Mitigating Factors (Known at the time of offense)</p> <p>Un-entitled to a new (debatable) offense while in a delinquent alternative</p> <p>Un-entitled to an explicit threat to flee if released</p> <p>Un-entitled to an alternative placement</p> <p>Other Aggravating factor</p> <p>Detention alternative not available</p>

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DHS Form 9135









# **New River Valley Juvenile Detention**

## **VARIANCE REQUEST**

Presented to:

Virginia Board of Juvenile Justice

January 7, 2014

Richmond, Virginia



[COPY] INITIAL REQUEST SENT TO KENNETH BAILEY (E-MAIL ATTACHMENT):

## VARIANCE REQUEST

**Program:** New River Valley Juvenile Detention Home

**Program Administrator:** Joseph W. Young, Jr., MBA, Superintendent

This request is forwarded for review pursuant to 6VAC35-20-92 (Variance request).

"Variance" means a board action that relieves a program or facility from having to meet a specific regulatory requirement or develop a corrective action plan for that regulatory requirement for a determined period of time.

### **6VAC35-101-520. Control center.**

To maintain the internal security, a control center that is secured from residents' access shall be staffed 24 hours a day and shall integrate all external and internal security functions and communications networks.

### **Justification for the request.** (Details on pp. 4 and 5)

The New River Valley Juvenile Detention Home, a rural, 24 bed facility, has not had a control center manned 24 hours a day since it opened in 1974. It had/has a variance under the old standards (6 VAC 35-140-600).

The facility has a room that houses the intercoms to the residents' rooms, light switches for the resident's rooms, and the fire alarm indicator panel. It is referred to as a "control room" but it does not serve the same purpose as control centers in other newer facilities; nor is it manned 24/7. It is manned only when residents are secured in their rooms. At all other times, staff members are out on the floor or in the classrooms working with residents. The New River Valley Juvenile Detention Home still uses keys so there is no automated lock system in the control room to open any doors or gates. There are no means of controlling the perimeter or movement inside the facility from NRVJDH's control room.

The control room is secured from residents' access.

Perimeter control is the responsibility of all staff on duty and under the direct supervision of the Shift Supervisor. If a visitor comes to the front or side entrance, the bell they ring sounds throughout the entire facility. The Shift Supervisor on duty or his/her designee responds to bell. Visitors are screened in the lobby and there is a visitor's log located in a small booth that opens into the lobby. That small booth has a locked box which contains a button that when depressed opens the front door. The Shift Supervisor or designee has the key to that locked box.

If the New River Valley Juvenile Detention Home is required to man the control room 24/7 it would require four additional staff members – one each for daylight shift, evening shift and the relief shift. Due

to the layout of the facility, it would not be safe to pull one of the direct care workers from a current duty post to man the control room. Nor would it be appropriate to restrict the Shift Supervisor to the control room because that individual has other responsibilities, such as handling admissions and video detention hearings. The controller, in our facility, would have nothing to do as nothing is controlled via that room.

**Any actions taken to come into compliance.**

No actions have been taken to come into compliance as this has never been raised as an issue. Future remodeling will include updated security systems operated through a control center. A Planning Study is in progress and near completion.

**The person and agency responsible for such action.**

Not applicable but if action is required, the responsible person is Joseph W. Young, Jr., MBA, Superintendent of New River Valley Juvenile Detention Home.

**The date at which time compliance is expected.**

Compliance is not expected until the facility is remodeled.

**The specific time period requested for this variance.**

This variance is requested from present until January 2019. This will cover the next two certification periods. By that point it is assumed that remodeling will be completed.

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[END COPY]

## Detailed Justification for the Request

Looking at: 6 VAC 35-101-520 Control center. "To maintain the internal security, a control center that is secured from residents' access shall be staffed 24 hours a day and shall integrate all external and internal security functions and communications networks." I pull from it that we need to maintain internal security in an area that is not accessible to detainees that uses internal and external means to ensure security and to communicate both internally and externally. Without a permanently manned control center, we accomplish the same goals in a number of different ways.

The first part to achieving the goals is communications. Looking at SOP 6.05 (Communication System) and SOP 6.12 (Radio Protocol) you can see how we are able to communicate peer-to-peer via internal phone/intercom system, two-way radios and cellphones. For day-to-day tasks, staff use a common two-way radio system and multi-line telephone system. This allows them to coordinate movements of the detainees, call for assistance, indicate a change in staff presence and so on. In instances where the main phone system maybe down and contact with the community is required, a cell phone is readily accessible for staff to make any call that is required.

The second part to realizing the goal of safety and security is key and perimeter control/detainee movement. Our key control policy is SOP 6.07. This policy and procedure manual outlines how the shift supervisor or his designee is responsible for key control. All key sets are assigned and tracked via a Pipe Touch Monitoring System (PTMS). All staff, teachers and in-house mental health workers trade their car keys for their set of work keys. In light of events in other detention facilities, exterior door keys were removed from all line staff keys sets, teacher key sets and mental health key sets. To exit the facility for outdoor recreation, the shift supervisor opens the exterior door for staff. In an emergency, an exterior door key is located in the "control room" key lock box and is accessible to all staff. Only administrators have immediate access to exterior doors. This policy was reviewed and approved by our local Fire Marshal. This will render the staff keys nearly useless if they fall into the hands of a detainee. They can access gaming cabinets, benign hallway corridors and resident bathrooms.

Detainee movement is outlined in SOP 6.02. We are currently averaging 10 detainees and have 3 secure staff on the floor plus a shift supervisor. That makes our staff to detainee ratio well within and exceeding the required 1:10 ratio (1:4). Staff are always within sight and/or sound of the detainees. Detainees are never left unsupervised, ever. The shift supervisor monitors all detainee movement.

Perimeter control is covered in SOP 6.06. This policy includes how all visitors are handled by the shift supervisor or his designee. Security checks are performed before and after group activities in the gym or on the playground. As mentioned in key control, line staff keys cannot gain access to the exterior of the building (in case detainee gain access to their keys).

The third part to attaining safety and security is detainee monitoring. Our staffing plan and supervision of children policy (SOP 1.26) details our assessment and practice to maintain security. Staffing ratios are maintained to meet or exceed those required by DJJ Regulations. Detainees are monitored by floor staff, shift supervisors and other administrative staff via the CCTV system. Shift supervisors also perform two unannounced rounds per shift. When detainees are in their rooms, they are physically checked every 25 minutes and are continuously monitored audibly by the intercom system in the "control room". The shift supervisors have a speaker in their office and have the ability to remotely monitor the intercom via a portable monitor.

The room that is referred to as the "control room" contains switches to the the lights on the activity floor and the intercom system. It is an extension of the administrative area. It is used to audibly monitor the detainees via the intercom system and make entries into the daily logbook. Following events at another facility, the glass portion of the "control room" is now protected by steel bars and was secured from resident access. In the last month, 16 cameras were added to allow the Shift Supervisors, Superintendent, Deputy Superintendent and staff in the "control room" to monitor various portions of the facility. In July 2014, we are expected to add another 10+ cameras to enhance security.

Considering the unique environment, small centralized layout, policy/building revisions based on state-wide experience and procedural practice, I feel that we meet to the spirit of 6 VAC 35-101-520. Movement throughout any given day is limited and would not be made safer by a staffed "control room". Currently, safety and security operations are easily managed, assessed and improved via an on-going review process. Requiring us to staff the "control room" 24/7 would have an adverse effect on our overall safety and security. It would require us to remove a staff member from direct supervision to sit in the control room – doing mostly nothing.

***I humbly ask that you grant this variance to extend until our building is renovated in 2019. Our planning study is only months away from being submitted to the DJJ board.***

Attached you will find a few photos to better illustrate some points and the POPs and SOPS mentioned above.

Thank you for your time.

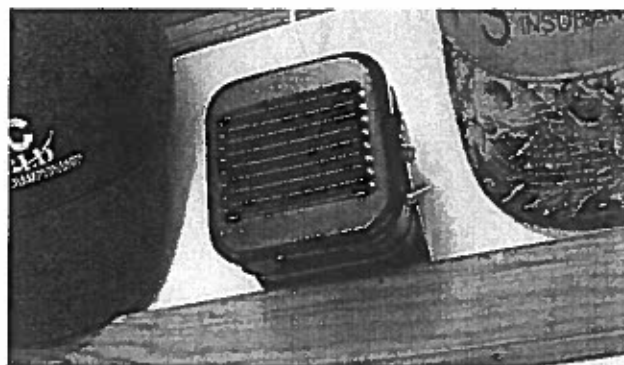
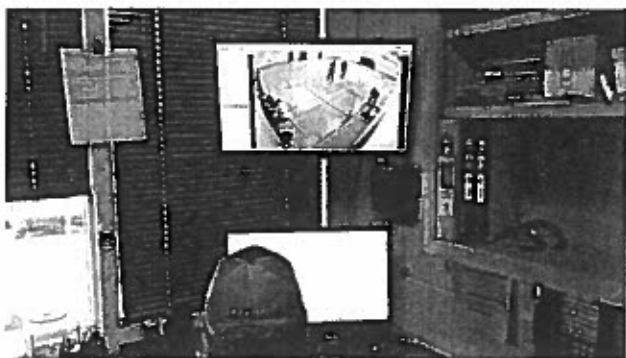


**Joseph W. Young, Jr., MBA**

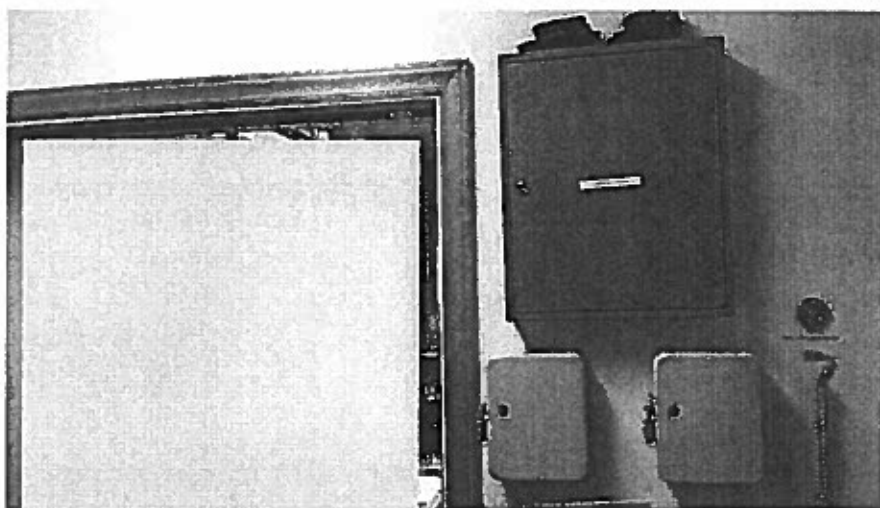
**Superintendent**

NRV Juvenile Detention





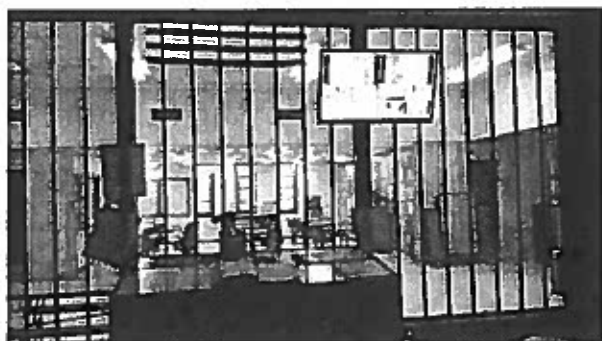
Shift Supervisors can visually and audible monitor the detainees. Video monitors are also located in the "control room", Deputy Superintendent's office and the Superintendent's office.



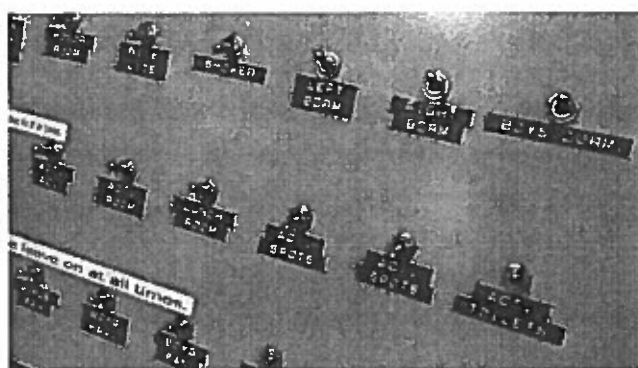
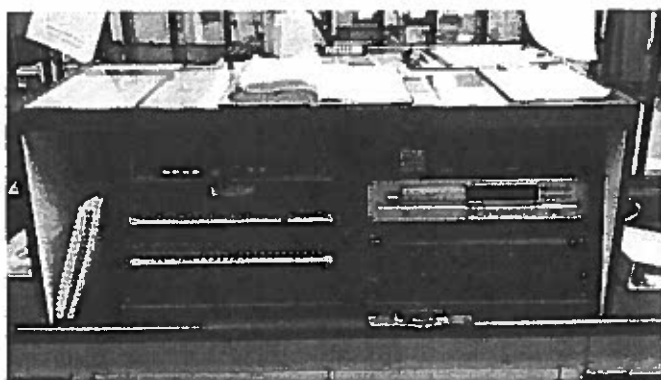
Shift Supervisors handle all key control activities. Staff must trade their car keys for a set of work keys. Line staff, teacher and MH keys sets only include basic keys and do not include exterior access keys.



The "control room" is only about 45 feet from the Shift Supervisors' office.



The “control room” is secure from resident access. Bars were added in 2012. This set of photos also show auxiliary flashlights and emergency key box.



**This is a view of the intercom system and the light switch panel.**

# **POLICY and PROCEDURE ATTACHMENTS**

**NEW RIVER VALLEY JUVENILE DETENTION HOME**  
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**S.O.P. 6.05 COMMUNICATION SYSTEM**

**APPLICABLE REGULATIONS:**

**DJJ –6VAC35-101-570**

**Purpose:** To comply with regulations for secure facilities.

**Responsibility:** All Staff.

**POLICY:**

1. NRVJDH has a means of communicating from the intercom room to the living areas.
2. In the event of an emergency, telephones (land line and cell) will be used to communicate with the community.
3. A back-up emergency cell phone is located in the intercom room for use if the primary phone system fails.

**PROCEDURES:**

1. Staff shall communicate with the community via the telephone system. Emergency numbers are posted at/by each phone.
2. Floor staff can radio any available staff member to call 9-1-1 or other emergency response number.
3. If the primary phone system fails, staff shall use the back-up cell phone which is located in the intercom room, to call for emergency assistance.
4. Staff shall also utilize peer-to-peer communications via the two-way radios. See S.O.P. 6.12.
5. Staff shall minimize the frequency and duration of personal calls so as not to tie-up the phone lines in the event that they are needed for emergency communication.

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**S.O.P. 6.12 RADIO PROTOCOL**

**APPLICABLE REGULATIONS**

**DJJ – N/A**

**Purpose:** To provide consistent and professional communications via two-way radio.

**Responsibility:** All Staff.

**POLICY:** It shall be the policy of the New River Valley Juvenile Detention Home to use plain English while communicating via facility two-way radios.

**PROCEDURES:**

1. Staff shall adhere to approved protocol for use of two-way radio communications.
2. Radios shall be given to the on-coming shift supervisor by the outgoing staff. The on-coming shift supervisor/designee will inspect the radios and complete the radio check off log. Once inspected, the radios will be distributed to the on-coming staff.
3. Staff shall keep radio communications to a minimum.
4. Communications shall begin by announcing the person's name you are contacting, pausing until they acknowledge and then continuing with the communication.
5. Staff shall speak in a clear and slow manner.
6. Staff shall use detainee's first name via radio communication. In the event that two detainees have the same name, use the first initial of the last name.
7. At no time shall a detainee ever be given a staff member's radio.

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**S.O.P. 6.07 KEY CONTROL**

**APPLICABLE REGULATION:**

**DJJ – 6VAC35-101-590**

**Purpose:** To provide accountability for keys and to always maintain a safe/secure facility and environment.

**Responsibility:** All staff.

**POLICY:**

1. The secure facility shall have a written key control plan to keep keys secure at all times.
2. Fire and emergency keys shall be instantly identifiable by sight and touch.
3. There shall be different masters for the interior security and outer areas.

**PROCEDURES:**

1. Keys shall not be duplicated except by the authority of the Deputy Superintendent. All keys shall be inventoried and controlled. If a key becomes unusable, return it to the Deputy Superintendent for replacement. The key rings are tamper proof and must be cut in order to replace or remove keys. Non-functional keys will be destroyed by the Deputy Superintendent.
2. All fire and emergency keys shall be instantly identifiable by sight and touch. The fire pull stations reset key is located in the Fire Panel Door in the Control Room. The fire box keys are also located in the Superintendent's office key cabinet.
3. There are different masters for the interior security and outer areas. There shall be different keys issued to staff for interior security and outer areas. By approval of the local fire marshal, floor staff key sets cannot open exterior doors. These exterior door keys are on the shift supervisor's keys and in the key lock box in the control room.
4. Under no circumstances shall you allow a detainee to handle or touch keys or permit them to lock or unlock any door or cabinet.
5. Do not discuss with the detainees the purpose of any key(s) or where the keys are stored.
6. Staff shall become familiar with all keys used during work. Staff shall be able to quickly identify and respond to the use of a key quickly.



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7. Detainees are not to have access to equipment or supplies that are securely stored. Do not allow detainees access to cabinets, storage closets, or other storage areas.
8. Return all equipment, materials, and supplies to their designated, secure storage area. Count items to be sure all equipment, materials, and supplies are accounted for and secured.
9. Develop a security conscious working relationship with your co-worker. Do not assume that they will lock a door or secure an area behind you – COMMUNICATE – BOTH OF YOU ARE RESPONSIBLE!!!!
10. Remove ignition keys and lock the doors and trunk of your vehicle when you arrive at work.
11. Keep your personal belongings such as purses, cigarettes, matches, etc. in a staff locker. Do not leave them where detainees may have access to during an interview or other professional contact or visit.
12. Do not allow detainees to have access to or to use any toxic flammable or caustic materials. These chemicals must be stored in areas to which detainees have no access.
13. Detainees are not allowed in the kitchen or kitchen storage areas for any reason.
14. Detainees are not allowed in the administrative area.
15. All doors must be closed and locked behind you at all times.
16. Administrative offices may be left open when they are occupied and administrative staff is on duty.
17. The cooks shall be responsible for locking all kitchen and food storage areas before leaving for the day.
18. Doors to the individual cells must be kept locked at all times when occupied.
19. Key storage cabinets are located in the Control Room, adjacent to the Shift Supervisors' office and the Superintendent's office.

**KEY SET ASSIGNMENTS**

All operational staff keys and staff's personal car keys (traded for work keys) are maintained in locked key cabinets adjacent to the Shift Supervisors' office. The AOD/Shift Supervisor or designee shall be responsible for assigning keys via the PIPE Touch Monitoring system.

1. A tagged key set shall be assigned to each Child Care Supervisor on duty. Key sets are to be passed to the relief Child Care Supervisors coming on-duty during shift change. Otherwise

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all key sets not in use must be stored in their designed place and accounted for at time of security checks. The keys are not to be left unattended on the desk or in desk drawers.

2. A tagged key set shall be assigned to each schoolteacher. Car keys shall be traded for work keys. If the individual did not drive, trade their driver's license for the ley. Each key set must be piped out and in each day of use by the Shift Supervisor.
3. A tagged key set shall be assigned to each mental health worker. Car keys shall be traded for work keys. If the individual did not drive, trade their driver's license for the ley. Each key set must be piped out and in each day of use by the Shift Supervisor.
4. A tagged key set shall be assigned to the cook. Car keys shall be traded for work keys. If the individual did not drive, trade their driver's license for the ley. This key must be piped out and in each day of use by the Shift Supervisor.
5. A tagged key set shall be assigned to each Shift Supervisors, maintenance, nurse, and Administrative Staff. Car keys shall be traded for work keys. If the individual did not drive, trade their driver's license for the ley.
6. The medication cart key is assigned to the medication agent on duty and is passed to the relief medication agent at shift change. THIS KEY IS TO REMAIN ON THE PERSON OF THE MEDICATION AGENT UNTIL THE KEY IS SIGNED FOR BY THE ONCOMING MEDICATION AGENT.
7. Any key not iterated by the above procedures shall be handled in the same way. At no time shall any staff member be assigned more than one key set at a time.

The Deputy Superintendent shall maintain extra keys in the file storage room. An inventory of all facility keys and a list of each key assignment shall be maintain and kept on file.

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**S.O.P. 6.02 DETAINEE MOVEMENT IN FACILITY**

**APPLICABLE REGULATIONS:**

**DJJ – 6VAC35-101-890 G**

**PREA 115.315**

**Purpose:** To ensure that all corridors are safe and secure during all detainee movement.

**Responsibility:** All Staff.

**POLICY:**

1. Staff shall regulate the movement of detainees within the secure facility in accordance with the procedures outlined below.
2. Only staff members trained in Handle With Care shall escort detainees in the corridors.
3. All detainees shall always be in sight and sound supervision of a staff member while moving within the facility.

**PROCEDURES:**

1. A staff member shall always escort detainees.
2. All detainee movement shall be monitored by the Shift Supervisor.
3. When lining detainees for movement in the facility, ensure that detainees are spaced an arm's length behind the detainee in front of them.
4. Staff members shall ensure that detainees remain quiet with hands to themselves while moving in the facility.
5. Staff members shall conduct a head count prior to leaving a destination and upon arrival at the intended destination.
6. Detainees sentenced to the Post Dispositional Program may on occasion move independently from the group with proper staff supervision.
7. When detainees are being taken to the gym in the evening, or when the need for lighting is evident, staff shall go out and turn the lights on 10-15 minutes before taking detainees out.

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8. When moving detainees between the gym/post disposition classroom, staff must ensure that they have site of **all** detainees at **all** times
9. Cross-gender Supervision
  - a. Generally, detainees will be released from and returned to their rooms by staff members of their same sex.
    - i. If at any time it becomes necessary for detainees to be released from or returned to their rooms by a staff of the opposite gender staff must announce their presence in the dorm hallway, but only when staff of the same gender as the detainee is also present in the dorm hallway. Before each door is opened, ask the detainee if he or she is ready for his/her door to be opened.
    - ii. Both staff will be in site of all detainees and each other until all detainees are in their rooms.
  - b. Any staff entering the girl's dorm must be visually monitored by the opposite sex if there are, in fact, both sexes back in the dorm.
  - c. Staff shall also announce their presence so that detainees of the opposite sex are aware.
  - d. At no time shall a staff member of the opposite sex go into an occupied dorm and/or room unless escorted by a staff member of the same sex as the child.
  - e. Never allow a child to look into a room window of another child, especially if they are of the opposite sex.

**SECURITY INSPECTIONS /PERIMETER CONTROL  
NEW RIVER VALLEY JUVENILE DETENTION HOME  
Standard Operating Procedures  
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**S.O.P. 6.06 SECURITY INSPECTIONS /PERIMETER CONTROL**

**APPLICABLE REGULATION:  
DJJ – 6VAC35-101-530**

**Purpose:** To establish a procedure for conducting interior and exterior security inspections. To maintain safety and security by containing residents and by preventing unauthorized access by the public.

**Responsibility:** All staff members and school personnel are responsible for security inspection of their assigned work areas.

**Policy:**

1. In accordance with a written plan, the NRVJDH shall control it's perimeter by appropriate means to provide that:
  - a. Detainees remain within the perimeter
  - b. Unauthorized access by the public is prevented
2. Pedestrians and vehicles shall enter and leave at designated points in the perimeter of the NRVJDH

**Procedure Entry and Exit:**

1. All visitors are monitored and handled by the Shift Supervisor or his/her designee.
2. Proper identification is required of all personal and professional visitors before access to any detainee(s) is granted. First time visitors should expect to have documentation of **name** and **title** verified.
3. Professional and personal visitors shall enter and exit using the front entrance.
  - a. The date and time and the visitor's name, title, and purpose of visit shall be recorded in the Visitor's Log
  - b. Visitors may hang up their coats in the closet and secure their personal belongings in the lock boxes provided in the lobby
  - c. If a lock box is utilized, the box # will also be recorded in the Visitor's Log
  - d. Non-professional visitors may be subject to search via a hand-held metal detector.
4. Law enforcement shall enter and exit through the intake door.
  - a. Law enforcement officials shall either secure their weapons in their vehicle or they shall utilize the weapon locker located immediately inside the intake door
5. Food deliveries shall be made through the exterior kitchen door.

**SECURITY INSPECTIONS /PERIMETER CONTROL  
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**Procedure Security Inspections:**

1. Any time checks are made outside of the secure perimeter; CCS keys shall be left in the building for security purposes. Radios and a flashlight (after dark) are required equipment for all exterior security inspections.
2. All staff members and school personnel shall conduct a safety inspection of their work area.
  - a. Any hazardous conditions discovered shall be immediately reported to the shift supervisor
  - b. Maintenance issues shall be documented in the Maintenance Log
  - c. Security of all doors shall be checked and ensured before detainees enter an area
  - d. Kitchen staff shall ensure that the freezer is on and locked prior to leaving for the evening.
3. The shift supervisor or designee is responsible for making security checks prior to any activity involving the athletic field or gym.
  - a. Visually inspect the field for any items that may have been tossed into the fenced area (athletic field)
  - b. Check the security of all doors and/or gates
  - c. Visually inspect the chicken wire to ensure that there are no gaps or debris caught in the wire (athletic field)
  - d. Walk along the interior perimeter and physically shake each section of fencing to ensure its solidity (athletic field)
  - e. Document the inspection using the PIPE Touch Monitoring System (PTMS)
  - f. Record any findings (or lack thereof) in the Log Book
  - g. The lights of the gym will be turned on at the time of the security inspection to give them time to warm up before use by detainees
4. At the conclusion of activities held on the athletic field during evening shift, the shift supervisor or designee shall conduct an inspection of the inside perimeter. This check shall include the following duties:
  - a. Check the security of all interior and exterior doors
  - b. Check that lights throughout the facility are in working order
  - c. Record any malfunctioning light or door in the Maintenance Log
  - d. Walk the inside of the perimeter and check doors including the following locations
    1. Storage room door (adjacent to activity room)
    2. Girl's and Boy's bathrooms
    3. File room
    4. Girl dorm fire exit door
    5. Gate leading to gym
    6. Playground storage building (near pavilion)
    7. Pavilion area
    8. Inside of fence perimeter

**SECURITY INSPECTIONS /PERIMETER CONTROL**  
**NEW RIVER VALLEY JUVENILE DETENTION HOME**  
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- 9. Playground gate (near greenhouse)
  - 10. Greenhouse door
  - 11. Storage building
  - 12. Mechanical room
  - h. Document the inspection using the PTMS
5. Record any findings (or lack thereof) in the Log Book



**NEW RIVER VALLEY JUVENILE DETENTION HOME**  
**Personnel Operating Procedures**  
**Personnel Manual**  
**Chapter 1**

**P.O.P 1.26 STAFFING PLAN & SUPERVISION OF CHILDREN**

**APPLICABLE REGULATIONS:**

**DJJ: 6VAC35-101-880, 890A-F, & H, 900, 910, 920**

**PREA: 115.313, 315(d)**

**PURPOSE:** To ensure compliance with applicable standards related to staffing patterns and supervision of children and to provide for safe and secure facility operations.

**APPLICABILITY:** Applies to all staff members.

**POLICIES:**

The NRVJDH has developed, implemented the following staffing plan so that it provides protection for residents against sexual abuse by ensuring:

1. Adequate levels of staffing; and where applicable,
2. Video monitoring.

The NRVJDH has also considered:

1. Generally accepted juvenile detention and correctional/secure residential practices;  
The NRVJDH shall fully comply with the Virginia Department of Juvenile Justice's Juvenile Detention Regulations (6 VAC 35-101).
2. Any judicial findings of inadequacy;  
At this point in time, the NRVJDH does not have any such findings.
3. Any findings of inadequacy from Federal investigative agencies;  
At this point in time, the NRVJDH does not have any such findings.
4. Any findings of inadequacy from internal or external oversight bodies;  
At this point in time, the NRVJDH does not have any such findings.
5. All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated);

Cameras have been added/upgraded in the following areas:

- a. Gym, gym classroom, gym foyer, girl's shower area, back girl's dorm hall, front girl's dorm hall, intake shower area, clinic, boy's dorm hall, activity floor, lobby, front door, intake door, kitchen and exterior kitchen door.
- b. These cameras go above and beyond to help eliminate blind spots and to maintain a clear line of sight during detainee movement.
- c. Additional cameras will be added to the two remaining classrooms, intake, intake hallway, front boy's dorm hall, dining area and any other area identified.

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6. The composition of the resident population;  
The NRVJDH is a co-ed facility and the staffing plan reflects that.
7. The number and placement of supervisory staff;  
Due to the facility's small centralized lay out, one shift supervisor can sufficiently supervise the floor staff.
8. Institution programs occurring on a particular shift;  
Programs are similar from shift to shift and occur in the same areas.
9. Any applicable State or local laws, regulations, or standards;  
The NRVJDH shall comply with state or local laws, regulations and standards.
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and  
In the history of NRVJDH's existence (40 years) there have been only a handful of CPS complaints alleging staff sexual misconduct. Although this is low, the staffing plan takes into account any possibility of staff misconduct.
11. Any other relevant factors.  
The staffing plan also addresses factors that could cause staffing levels to drop such as inclement weather, detainee illness requiring outside attention, staff illness, off-site activities and so on.

Using the guidelines above, the Superintendent and Deputy Superintendent developed the following.

#### **SHIFT COVERAGE**

The NRVJDH is a 24-hour, 7 days a week secure facility, and adequate staffing must be maintained at all times. While voluntary willingness to stay beyond the designated work time will be encouraged and honored, it is sometimes necessary to select employees to work. The Deputy Superintendent will be responsible for maintaining an updated shift coverage list, which shall be made available to employees. The list is organized by seniority (coverage order) at NRVJDH. Staff members with the most full-time years of service to NRVJDH are at the bottom of the list.

The only exemptions from following the coverage order is: 1. No one will work the 11-7 shift and then the 7-3 shift and 2. A specific gender is required. In these cases, the staff person will be skipped on the list and will be utilized the next time coverage is needed.

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## INCLEMENT WEATHER

### Definitions:

**Essential** – employees who are responsible for basic minimum services and who are required to work during inclement weather conditions.

**Conditionally essential** – all other employees who are non-essential, but by virtue of their position need to be called in, at which time their status changes to essential. Examples of conditional essential staff include, but are not limited to, Financial Administrator when reduced services fall on the date of payroll. Conditionally essential staff will be activated by their supervisor on a case-by-case basis.

**Inclement weather** - Inclement weather can include, but is not limited to, any kind of extreme weather, usually snow, or ice, which might create hazardous driving conditions or significantly impair normal operations at the detention home.

1. This inclement weather policy is in effect when inclement weather is:
  - a. Forecasted and/or Imminent;
  - b. Currently happening; or
  - c. Is over, but is still causing hazardous driving conditions.
1. Shift supervisors, floor staff, and cooks are considered essential staff. Any other staff position may be considered conditionally essential dependent on the needs of the detention home.
2. Essential staff shall report for duty when assigned. Essential and conditionally essential staff shall complete their full shift assignment. This policy establishes that absences or leaving early by essential employees, during inclement weather, will only be excused with a doctor's note. Per P.O.P. 1.12, being absent from work without permission may result in disciplinary action against the employee up to and including termination. If there is any question about your need to report for duty, contact your immediate supervisor.

## ADJUSTMENTS

1. Whenever necessary, in consultation with the PREA Coordinator, but no less frequently than once each year, the Superintendent shall assess, determine and document (via the PREA Staffing/Facility Logistics Assessment form) whether adjustments are needed to:
  - a. The staffing plan;
  - b. Prevailing staffing patterns;
  - c. Deployment of video monitoring systems and/or other monitoring technologies; and

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- d. Resources the detention home has available to commit to ensure adherence to this staffing plan.

#### **MEDICAL STAFF**

NRVJDH contracts with a licensed physician to provide medical treatment for detainees. NRVJDH has a licensed nurse on staff.

#### **SUPPORT FUNCTIONS**

1. Floor staff and other staff responsible for the direct supervision of detainees may assume the duties of non-direct care personnel only when these duties do not interfere with their direct care or direct supervision responsibilities. If a floor staff is asked to perform a non-direct care task, he or she will be relieved of their duty to supervise detainees prior to engaging in the non-direct care task.
2. Detainees shall not be solely responsible for support functions, including but not necessarily limited to, food service, maintenance of building and grounds, and housekeeping. NRVJDH employs food services and maintenance workers to handle these responsibilities. Detainees assist only with clean up in their living areas and occasionally work in the greenhouse as part of the school program.
  - a. Assignment of chores, that are unpaid work assignment, shall be in accordance with the age, health, ability, and service plan of the detainee.
  - b. Chores shall not interfere with school programs, study periods, meals, or sleep.
  - c. The superintendent or designee shall evaluate unpaid work assignments for appropriateness.

#### **STAFF SUPERVISION OF DETAINEES**

1. When staffing the floor, supervisors should consider programs occurring on a particular shift, the prevalence of substantiated and unsubstantiated incidents of sexual abuse and any other relevant factors.
2. No member of the floor staff shall be on duty more than six consecutive days without a rest day except in an emergency or as approved by the lead regulatory agency for live-in staff.
3. Floor staff shall have an average of at least two rest days per week in any four-week period. Rest days shall be in addition to vacation time and holidays. These rest days are incorporated into all work schedules.
4. Floor staff shall not be on duty more than 16 consecutive hours except in an emergency.

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5. There shall be at least one trained floor staff on the premises on duty and actively supervising children at all times that one or more children are present.
6. Whenever staff are supervising detainees, there shall be at least one staff person present with a current basic certification in standard first aid and a current certificate in cardiopulmonary resuscitation issued by the American Red Cross or other recognized authority.
7. Supervision Policies: The supervision policies listed below are based on the needs of the population served, the types of services offered, the qualification of the facility's staff, and the number of residents served.
  - a. Floor staff shall provide sight and sound supervision of detainees when the detainees are out of their rooms. At no time shall a detainee be left without staff supervision. Staff shall also be mindful of blind spots or areas where residents may be isolated.
  - b. Floor staff shall be posted in or near each classroom, in the gym, on the playground, and around the activity floor when any of these areas are occupied by detainees.
  - c. All floor staff are responsible for knowing the whereabouts of detainees and shall conduct census counts throughout the day.
  - d. Floor staff shall position themselves in the most strategic locations during detainee activities to ensure the safety and security of all. Therefore, staff shall not congregate all in one area.
  - e. During mealtimes, staff shall place themselves to provide the most strategic advantage in the event of a disturbance.
8. Staff of the opposite gender to announce their presence when entering a resident housing unit.

#### VIDEO MONITORING

Closed circuit surveillance is utilized to eliminate blind spots and to facilitate in monitoring detainees and staff. Cameras have been placed in areas that will allow for the maximum amount of coverage. Cameras will be added if/when additional areas are identified (and funds are available).

#### PROCEDURES

Contingency plans for resident illness:

1. Detainees who become ill are supervised on site. Routine medical care is provided and if the child is confined to their room, staff will make visual checks at least every thirty minutes (or every fifteen minutes if the child is on suicide watch). For life-threatening illness, staff shall call 9-1-1 for rescue squad assistance. If the child must be transported to a hospital, a staff member shall accompany the child. If necessary, the Shift Supervisor shall call in an additional staff member to ensure that the 1:10 ratio (waking hours) or 1:16 ratio (bedtime) is

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met, except during limited and discrete exigent circumstances, which shall be fully documented.. Effective October 1, 2017, or sooner by notice of Superintendent, the staff to detainee ratio for waking hours will be 1:8.

2. Supervision during emergencies: In the event of an emergency, which cannot be handled by the staff immediately supervising a group of detainees, the staff shall call for assistance over the radio. All available staff shall respond. If necessary, the remaining detainees shall be locked down pending resolution of the emergency. The regular program will resume when the Shift Supervisor announces and "All Clear" over the radio.
3. Supervision during off site activities:
  - a. There shall be at least 1 staff member for every 4 detainees transported off site.
  - b. There shall be at least one staff member trained in First Aid and CPR for every 16 detainees transported off site.
  - c. If a detainee is scheduled to take medication during the outing, a certified Medication Aide shall also accompany the group on the outing.
  - d. Detainees shall always be in sight and sound supervision of staff.
  - e. Detainees shall be searched upon their return to the facility in accordance with S.O. P. 6.03 Searches.
  - f. Should a detainee become seriously ill during an off-premises activity, the group leader shall assign a staff member to escort the detainee to a medical facility and the remaining staff shall escort the rest of the group back to the facility.
  - g. Medical transportation will be in accordance to SOP 5.20 Medical Transportation.
  - h. All detainee transportation will be in accordance with POP 1.22 Vehicle & Power Equipment Operation and Safety.

**Detainee preferences:**

NRVJDH is a secure detention facility; therefore, participation in all programs and activities, with the exception of religious programs, is required and minimal accommodation is made for detainee preferences.

1. A copy of these supervision policies and procedures will be provided, upon request, to the placing agency or the detainee's legal guardian.
2. During the hours that detainees are scheduled to be awake, there shall be at least one floor staff member awake, on duty, and responsible for supervision of every ten (10) detainees or a portion thereof, on the premises or participating in off-campus, detention center sponsored activities. Effective October 1, 2017, or sooner by notice of Superintendent, the staff to

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detainee ratio for waking hours will be 1:8. There shall also be a designated Administrator on Duty or shift supervisor on duty to supervise and support the floor staff members.

3. During the hours that detainees are scheduled to be asleep, there shall be no less than one floor staff member on duty and responsible for supervision of every 16 detainees, or portion thereof, on the premises.
4. Floor staff shall provide 24-hour, awake supervision seven days a week. In accordance with P.O.P. 1.12 Prohibited Practices, sleeping while on duty is strictly prohibited and is grounds for disciplinary action up to and including dismissal.
5. When both males and females are housed in the same dorm, at least one male and one female staff member shall be actively supervising at all times.
6. Staff shall always be in plain view of another staff person when entering an area occupied by detainees of the opposite sex.
7. Detainees shall be provided privacy from routine sight supervision by members of the opposite gender while bathing, dressing, or conducting toileting activities. This does not apply to medical personnel performing medical procedures or to staff assisting detainees whose physical or mental disabilities dictate the need for assistance with these activities as justified in the detainee's record.
8. Detainees will be transported in accordance with P.O.P. 1.22 Vehicle & Power Equipment Operation and Safety and in accordance with the Department of Juvenile Justice's "Guidelines for Transporting Juveniles in Juvenile Detention," which can be found as Attachment A to P.O.P. 1.22
9. No detainee or groups of detainees shall be allowed to exercise control or authority over other detainees except when practicing leadership skills as part of an approved program under the direct and immediate supervision of staff.
10. This staffing plan must be followed except during limited and discrete exigent circumstances and the cause for deviation shall be fully documented in the logbook.

Exigent circumstances is defined as: "Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility." Such circumstances include, for example, the unforeseen absence of a staff member whose presence is indispensable to carrying out a specific standard, or an outbreak of violence within the facility that requires immediate action."

**Outside Personnel Working in Facility**



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1. Staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of detainees. This shall not apply to the NRVJDH Mental Health Clinician, Case Manager, or the schoolteachers. Even though these employees are not directly employed by NRVJDH, they have completed the necessary background checks and training to supervise detainees. The maintenance technician or another staff member will directly supervise any work performed by outside vendors, contractors, or laborers. At no time shall an outside worker be left unaccompanied within the secure perimeter.
2. Adult inmates or persons assigned to perform services as a result of a conviction in an adult court shall not work in areas of the facility where juveniles are present. NRVJDH does not allow adult inmates or court-ordered workers on premises.

#### **Staff & Detainee Interaction**

The rapport established between floor staff and detainees is important to the impact of a detainee's stay in detention. As a detention home employee, you serve as a role model for detainees. Therefore, it is critical that you act accordingly.

1. Detention Staff Professionalism
  - a. Staff shall establish appropriate adult-youth relationships that encourage mutual respect.
  - b. Overly casual, sociable and personal interactions breach appropriate professional boundaries and staff should avoid even the appearance of these types of relationships with detainees.
  - c. Staff must use appropriate language, be clear, and be concise with detainees. The use of profane, demeaning, or humiliating language toward detainees and other staff is strictly prohibited.
  - d. Staff shall not engage in personal relationships nor discuss any personal information relating to themselves or other staff with any detainee.
  - e. If a detainee is a relative or family friend of a staff member, it is the responsibility of that employee to report this to the shift supervisor.
  - f. Staff shall eliminate the influence of personal feelings, prejudices, animosity, or friendships in decision-making and detainee interaction.
  - g. Staff shall not enter the sleeping quarters of the opposite sex unless accompanied by a staff member of the same sex as the detainee.
  - h. Staff shall not engage in horseplay, either verbal or physical, with any detainee.
  - i. Staff shall not have inappropriate written correspondence or verbal communication, including telephone calls, with any current or former detainee.
  - j. While on Commission property, staff shall not advocate for any particular religion, especially with the detainees.
  - k. Staff shall not have physical contact with any detainee that could be viewed as potentially inappropriate.

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- l. Staff shall immediately report knowledge of suspected misconduct by other staff to their supervisor.
- m. Staff shall ensure that detainee confidentiality is assured at all times and shall not release any information about current or former detainees to the general public or news media.
- n. Staff shall refrain from any behavior that satisfies personal needs at the expense of detainees.

**2. Detainee Supervision**

- a. When supervising detainees, staff shall promote a therapeutic social climate while maintaining safety and security.
- b. Staff who are available to respond shall promptly come to the aid of anyone who is being physically assaulted and assist any fellow staff member who is attempting to prevent a physical altercation.
- c. At the beginning of each activity, staff shall clearly explain their expectations for detainee behavior.
- d. Staff shall be firm, fair, and consistent in the enforcement of facility rules and are required to react accordingly to any inappropriate behavior of the detainees under their supervision.
- e. Whenever possible, staff shall give recognition for appropriate detainee behavior.
- f. The development of good listening skills enables staff to effectively communicate with detainees from diverse backgrounds, cultures, and belief/value systems.
- g. Any information obtained from detainees in the course of normal interaction that may affect facility safety or security shall be reported to the shift supervisor and recorded in the logbook.
- h. Staff must consider the possibility that information shared with them by detainees may not always be factual. Follow-up with another staff to ensure accuracy before jumping to conclusions.
- i. Staff of the opposite gender to announce their presence when entering a resident housing unit.
- j. If at any time a detainee makes an allegation of child abuse or neglect, staff must notify the shift supervisor immediately to ensure that it is reported to the proper authorities.

**3. Unannounced Rounds**

- a. As a best practice, the Shift Supervisor or Administrator on Duty shall conduct and document daily in the logbook, two unannounced rounds to identify and deter staff sexual abuse and sexual harassment. At a minimum, there shall be weekly unannounced rounds, twice per shift on all shifts.
- b. When documenting the rounds, the supervisor or AOD shall record information as to areas of the facility covered, general activities of staff, and any other information that is deemed important. All areas shall be covered.

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- c. At no time should staff member alert other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

**AUTHENTICATION**

Pursuant to the authority vested in me by Section 16.1-318 of the Code of Virginia (1950), as amended, the forgoing regulation entitled P.O.P. # 1.26, pages 1 through 10, with attachments is promulgated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, to be effective immediately as revised.

\_\_\_\_\_  
S. Rebecca Hughes, Chair  
New River Valley Juvenile Detention Commission

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**S.O.P. 3.04 DISCIPLINARY PROCESS, ROOM CONFINEMENT AND ISOLATION,  
ADMINISTRATIVE CONFINEMENT**

**APPLICABLE REGULATIONS:**

**DJJ – 6VAC 35-101-1080, 1100, 1110**

**PREA: 115.378**

**Purpose:** To clearly define the disciplinary process in order to ensure fair application of sanctions for disciplinary infractions. To establish written procedures to govern how and when a detainee may be confined to a locked room for segregation and isolation purposes.

**Responsibility:** All Staff.

**Policy**

1. Written procedures shall govern how and when the disciplinary process, which shall contain:
  - a. Graduated sanctions and progressive discipline;
  - b. Training on the disciplinary process and rules of conduct; and
  - c. Documentation on the administration of privileges and sanctions as provided in the behavior management program.
2. Disciplinary report. A disciplinary report shall be completed when it is alleged that a detainee has violated a rule of conduct for which room confinement, including a bedtime earlier than that provided on the daily schedule, may be imposed as a sanction.
  - a. A disciplinary report shall not be required when a resident is placed in his room for a "cooling off" period, in accordance with written procedures, that does not exceed 60 minutes.
3. Review of rule violation. A review of the disciplinary report shall be conducted by an impartial person. After the resident receives notification of the alleged rule violation, the resident shall be provided with the opportunity to admit or deny the charge.
  - a. The resident may admit the charge, in writing, and accept the sanction (i) prescribed for the offense or (ii) as amended by the impartial person.
  - b. The resident may deny the charge and the impartial person shall:
    - Meet in person with the resident;
    - Review the allegation with the resident;
    - Provide the resident with the opportunity to present evidence, including witnesses;
    - Provide, upon the request of the resident, for an impartial staff member to assist the resident in the conduct of the review;

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- Render a decision and inform the detainee of the decision and rationale supporting this decision;
- Complete the review within 12 hours of the time of the alleged rule violation, including weekends and holidays, unless the time frame ends during the detainee's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter;
- Document the review, including any statement of the detainee, evidence, witness testimony, the decision, and the rationale for the decision; and
- Advise the detainee of the right to appeal the decision.

4. Appeal. The detainee shall have the right to appeal the decision of the impartial person.
  - a. The detainee's claim shall be reviewed by the facility administrator or designee and shall be decided within 24 hours of the alleged rule violation, including weekends and holidays, unless the time frame ends during the detainee's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter. The review by the facility administrator may be conducted via electronic means.
  - b. The detainee shall be notified in writing of the results immediately thereafter.
5. Report retention. If the detainee is found guilty of the rule violation, a copy of the disciplinary report shall be placed in the case record. If a detainee is found not guilty of the alleged rule violation, the disciplinary report shall be removed from the detainee's case record and shall be maintained as required by applicable regulations governing maintenance of detainee records.

**ROOM CONFINEMENT AND ISOLATION**

1. Whenever a detainee is confined to a locked room, including but not limited to being placed in isolation, staff shall check the resident visually at least every 30 minutes and more often if indicated by the circumstances. Staff shall conduct a check at least every 15 minutes in accordance with approved procedures when the resident is on suicide watch.
2. Detainees who are confined to a room, including but not limited to being placed in isolation, shall be afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day unless the detainee's behavior or other circumstances justify an exception. The reasons for any such exception shall be documented.
3. If a detainee is confined to his room for any reason for more than 24 hours, the facility administrator or designee shall be notified.
4. If the confinement extends to more than 72 hours, the (i) confinement and (ii) steps being taken or planned to resolve the situation shall be immediately reported to the director or

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designee. If this report is made verbally, it shall be followed immediately with a written, faxed, or secure email report in accordance with written procedures.

5. Room confinement, including isolation or administrative confinement, shall not exceed five consecutive days except when ordered by a medical provider.
6. When confined to a room, the detainee shall have a means of communication with staff, either verbally or electronically.
7. The facility administrator or designee shall make personal contact with each detainee who is confined to a locked room, including being placed in isolation, each day of confinement.
8. During isolation, the detainee is not permitted to participate in activities with other detainees and all activities are restricted, with the exception of (i) eating, (ii) sleeping, (iii) personal hygiene, (iv) reading, and (v) writing.

**ADMINISTRATIVE CONFINEMENT**

The NRVJDH is not equipped for administrative confinement/ segregation.

**DISCIPLINARY PROCESS**

**General Procedure**

1. A Disciplinary Report shall be completed when it is alleged that a detainee has violated a rule of conduct for which room confinement may be imposed as a sanction. Any time a detainee is restricted to a room for more than 60 minutes for behavioral infractions, a Disciplinary Report shall be started immediately.
2. The top portion of the report will be filled out completely by the staff member accusing the detainee of a rule infraction. This portion will be signed by the accusing staff member and by the detainee.
3. The Disciplinary Report will then be reviewed by an impartial Shift Supervisor or A.O.D., in the detainee's room, within 12 hours (waking hour time blocks only) of the alleged infraction.
  - a. If the detainee admits to the charge(s) and accepts the prescribed sanction, the reviewer (not present @ time of incident) will check the appropriate box and record the sanctioned release date/ time. The reviewer and the detainee must then sign the Disciplinary Report.
  - b. If the detainee denies the charge(s), the reviewer (not present @ time of incident) will meet with the detainee, in person, check the appropriate box and:
    - Ask if the detainee wishes to be represented by an impartial staff member;
    - Review the allegation(s) with the detainee;
    - Allow the detainee to make a statement and present evidence (including witnesses);

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- Render a decision and inform the detainee of the decision and the rationale supporting this decision;
  - Document the review (in green ink) in the Log Book;
  - Advise the detainee of the right to appeal and check the corresponding box on the Disciplinary Report;
  - Have the detainee sign the report and sign the report themselves.
4. If the detainee wishes to appeal the decision of the impartial person, the appeal request shall be noted on the Disciplinary Report and in the Log Book.
- a. The detainee's claim shall be reviewed by the Superintendent or his designee within 24 hours (waking hour time blocks) of the alleged rule violation.
  - b. As soon as the appeal is completed, the detainee will be given a written copy of the findings. These findings will also be documented in the Log Book.
5. If there is a guilty finding, the Disciplinary Report shall be placed in the detainee's file, where it will be maintained according to regulations concerning maintenance of resident's records. If there is a finding of not guilty, the Disciplinary Report will be removed from the file and placed in the Superintendent's office for retention according to regulations..
6. The Night Shift Supervisor or a Shift Supervisor (not involved with the report) shall review all Disciplinary Reports and appeals to ensure conformity with policy and regulations.

**DISCIPLINARY PROCESS**

**Detainee-On-Staff, Detainee-On-Detainee Sexual Abuse, Or Any Other Resident-On-Resident Sexual Contact**

1. Any disciplinary sanctions shall be commensurate with:
  - a. the nature and circumstances of the abuse committed;
  - b. the resident's disciplinary history; and
  - c. the sanctions imposed for comparable offenses by other residents with similar histories.
2. In the event a disciplinary sanction results in the room restriction, the detainee shall receive daily visits from a medical or mental health care clinician.
3. The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. The agency may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.



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5. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer the offending resident participation in such interventions.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
7. Detainee-on-detainee sexually activity is prohibited, but is not considered sexual abuse if that the activity is not coerced (consensual).

**COOL DOWNS**

**Procedure**

1. Room restrictions for minor misbehavior shall serve only as a “cooling off” period and shall not exceed 60 minutes. Staff shall document in the Log Book (in green) the detainee’s name, the time, the reason, and the length of time that the cool down was given for. Staff shall also complete a Cool Down Report for minor rule violations that result in less than 60 minutes of confinement. Procedures for room restrictions exceeding 60 minutes are covered in the next section for room confinements/ isolations.

**ROOM CONFINEMENTS / ISOLATIONS**

**Procedure**

1. When room restriction is used as a sanction, the detainee shall be escorted to his/her assigned room.
2. When taken to his/her room for room restriction, the detainee will remove his/her shoes and pants and place them outside of his/her room door. A female detainee will remove her bra and t-shirt and place them outside of her door as well. Nightshirts are available for a female detainee in place of her t-shirt.
3. Staff shall make an entry into the Log Book (in green ink) that includes a detailed description of the incident/charge, disciplinary process, and any appeal/reviews every time a detainee is placed in room restriction / isolation.
4. Room restrictions for major rule violations shall follow the procedures outlined the behavior management program. Staff shall complete a Disciplinary Report for any rule violation that results in more than 60 minutes of confinement.
5. Visual contact shall be documented using the PIPE touch-monitoring system (see SOP 3.22). Visual contact must be made on each restricted detainee, including overnight hours, at least every 30 minutes (per DJJ regulations) or more often if indicated by the circumstances.

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When a detainee on suicide watch is restricted to his /her room, staff must make visual contact at least every 15 minutes. Staff shall make random re-checks so that detainees do not become accustomed to routine 25-minute checks.

6. Detainees who are confined to a locked room, including when all detainees are in their rooms or when in isolation, they shall be monitored and afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day unless the detainee's behavior or other circumstances justify an exception. The reasons for any such exception shall be documented. Detainees in restriction will be taken to the gym for large muscle exercise after shower time (on the evening shift). Large muscle exercise will be documented on the back of the Disciplinary Report and in the Log Book.
7. If a detainee is confined (for any reason) for more than 24 hours, the Superintendent must be notified. This notification shall be documented on the Disciplinary Report and in the Log Book.
8. If a detainee is confined (for any reason) for more than 72 hours, The Superintendent must be notified. The Superintendent will notify the Certification Analyst via phone. These notifications shall be documented on the Disciplinary Report and in the Log Book. A BADGE Report should also be filed per regulations governing serious incident reporting.
9. Room confinement shall not exceed 5 consecutive days except when ordered by a medical provider.
10. All rooms are equipped with a two-way intercom system, which allow staff to audibly monitor detainees while they are in their rooms. The shift supervisors' office is equipped with a speaker that will allow them to listen to detainees in their rooms. Mobile monitors are also available to listen to the intercom should the staff need to leave the control room or shift supervisor's office.
11. Detainees and staff may communicate over the intercom system.
12. Each Shift Supervisor (or A.O.D) shall make personal contact with a restricted detainee at least once during his/ her shift (waking hours only) and document this contact in the Log Book.
13. A restricted detainee shall not participate in activities with other detainees. All activities are restricted except for:
  - a. Eating- A restricted detainee will eat the same meals and snacks at the same approximate time as the other detainees.
  - b. Sleeping- A restricted detainee shall be allowed to sleep during confinement.

